

**PUBLIC HEARING NOTICE**  
**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

**DATE:** November 20, 2007  
**TIME:** 1:30 p.m.  
**LOCATION:** Room 1948, Vern Riffe Center  
77 South High St., Columbus, Ohio 43215

Pursuant to Sections 5111.0112, 5111.02, 5111.16, 5111.162, and 5111.17, and Chapter 119. of the Ohio Revised Code (ORC), the director of the Ohio Department of Job and Family Services (ODJFS) gives notice of the department's intent to consider the amendment of the rules identified below and of a public hearing thereon.

The effective date for the proposed rule changes is January 1, 2008.

The rules identified below are being proposed for amendment in order to update and clarify provisions of the rule.

Rule 5101:3-26-01, entitled Managed health care programs: definitions, is being proposed for amendment. This rule sets forth definitions for managed health care programs. The changes to the rule add and define the terms "care treatment plan" and "pending member," change the term "primary care physician" to "primary care provider" and revise the definition to include advanced practice nurses, add clarifying language to the definition of a "member" and revise the definition of an "inpatient facility." The changes to the rule also revise language for consistency throughout the rule, and update internal references.

Rule 5101:3-26-02, entitled Managed health care programs: eligibility, membership and automatic renewal of membership, is being proposed for amendment. This rule sets forth provisions and conditions for eligibility, membership, and automatic renewal of membership in managed health care programs. The changes to the rule revise language to clarify individuals who are not required to enroll in a managed care plan, revise language to clarify provisions for the commencement of coverage, and update internal references.

Rule 5101:3-26-02.1, entitled Managed health care programs: termination of membership, is being proposed for amendment. This rule sets forth provisions for the termination of membership in managed health care programs. The changes to the rule revise language to clarify the reasons for which automatic termination of MCP membership occurs, and provisions for MCP member-initiated change requests and terminations.

Rule 5101:3-26-03, entitled Managed health care programs: covered services, is being proposed for amendment. This rule sets forth the services that managed care plans are required to provide to Medicaid managed care consumers. The changes to the rule revise

language to clarify managed care plan responsibility for the payment of covered services when a managed care plan member is placed in a nursing facility. The changes to the rule also update internal references.

Rule 5101:3-26-03.1, entitled Managed health care programs: care coordination, is being proposed for amendment. This rule sets forth managed care plan and primary care physician care coordination responsibilities. The changes to the rule revise language to clarify requirements for managed care plan utilization management program policies and procedures. The changes to the rule also revise language for consistency with changes being made to rule 5101:3-26-01.

Rule 5101:3-26-05, entitled Managed health care programs: provider panel and subcontracting requirements, is being proposed for amendment. This rule sets forth requirements for managed care plan provider panels and subcontracts. The changes to the rule update internal references.

Rule 5101:3-26-05.1, entitled Managed health care programs: provider services, is being proposed for amendment. This rule sets forth requirements for managed care plan provider services. The changes to the rule add an additional component of written information that managed care plans must provide to their contracting providers.

Rule 5101:3-26-07, entitled Managed health care programs: annual external quality review survey, is being proposed for amendment. This rule sets forth provisions for an annual external quality review survey. The changes to the rule remove clinical and non-clinical focused quality of care studies from the components of the external quality review.

Rule 5101:3-26-08, entitled Managed health care programs: marketing, is being proposed for amendment. This rule sets forth requirements for managed care plan marketing activities. The changes to the rule remove language requiring managed care plans to submit the following to ODJFS: a list of their current Medicaid marketing representatives, a copy of each representative's Ohio Department of Insurance licensure, and written documentation verifying the successful completion of a marketing representative training program. Language requiring managed care plans to receive written approval from ODJFS prior to performing marketing presentations was also removed.

Rule 5101:3-26-08.2, entitled Managed health care programs: member services, is being proposed for amendment. This rule sets forth requirements for managed care plan member services programs and member materials. The changes to the rule replace the word "sex" with the word "gender," and update internal references.

Rule 5101:3-26-08.3, entitled Managed health care programs: member rights, is being proposed for amendment. This rule sets forth managed care plan member rights. The changes to the rule replace the word "sex" with the word "gender."

Rule 5101:3-26-10, entitled Managed health care programs: sanctions and provider agreement actions, is being proposed for amendment. This rule sets forth sanctions and corrective actions that may be imposed upon managed care plans for failure to fulfill contractual and/or legal obligations. The changes to the rule correct a typographical error and update internal references.

Rule 5101:3-26-11, entitled Managed health care programs: managed care plan non-contracting providers, is being proposed for amendment. This rule sets forth requirements for managed care plan non-contracting providers. The changes to the rule correct typographical errors and update internal references.

A copy of the proposed rules is available, without charge, to any person affected by the rules, at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rules, or comments on the rules, should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@odjfs.state.oh.us](mailto:rules@odjfs.state.oh.us).